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# CITY OF MIAMI BEACH

## DECLARATION OF A STATE OF EMERGENCY

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**WHEREAS**, the Coronavirus Disease 2019 (“COVID-19”) is a severe and acute respiratory illness that can spread amongst persons by respiratory transmission and presents with symptoms similar to those of influenza; and

**WHEREAS**, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

**WHEREAS**, shortly after the initial COVID-19 outbreak, the Center for Disease Control and Prevention (“CDC”) deemed it necessary to prohibit or restrict any non-essential travel to or from various countries (including China, Iran, Italy and South Korea), and advised older travelers and those with chronic medical conditions to avoid nonessential travel to Japan. Moreover, the CDC issued an advisory that all travelers exercise enhanced precautions when travelling; and

**WHEREAS**, equally important, the World Health Organization (“WHO”) has declared COVID-19 to be a Public Health Emergency of International Concern and, on Wednesday, March 11, 2020, the WHO declared the rapidly spreading COVID-19 disease a worldwide pandemic, which will likely spread to all countries around the World; and

**WHEREAS**, Florida Governor Ron DeSantis (“Governor DeSantis”) issued an Executive Order on March 1, 2020 directing the Surgeon General of the State of Florida to issue a public health emergency and, in response to the pandemic outbreak of COVID-19, Governor DeSantis declared a State of Emergency on March 9, 2020 based upon its impact to the State of Florida (See Florida’s State of Emergency, attached and incorporated as Exhibit “A” hereto); and

**WHEREAS**, Florida state health officials confirmed three (3) new cases of COVID-19 in Florida on March 11, 2020, including the first confirmed case in Miami-Dade County, a 56-year-old man who tested positive and had traveled recently; and

**WHEREAS**, the total number of known COVID-19 cases in Florida cases currently stands at twenty-six (26), of which twenty-three (23) such persons are Florida residents; and

**WHEREAS**, in direct response to the first confirmed case of COVID-19 in Miami-Dade County on March 11, 2020, Miami-Dade County Mayor Carlos Gimenez (“Mayor Gimenez”) declared a State of Emergency for Miami-Dade County, and, subsequently suspended the operation of the Miami-Dade County Youth Fair, the Miami Open tennis tournament, the MIA 5K run, and all major events at the American Airlines Arena; and

**WHEREAS**, COVID-19 has impacted one-hundred fourteen (114) countries around the globe, and these countries have reported that 118,000 individuals have contracted COVID-19, with nearly 4,300 people having died from this disease; and

**WHEREAS**, in the United States alone, over one-thousand (1,000) cases of COVID-19 have been diagnosed, and twenty-nine (29) people have died from the disease and, President Donald J. Trump signed a Presidential Proclamation on March 11, 2020, suspending the entry of most foreign nationals who have been in certain European countries at any point during the fourteen (14) days prior to their scheduled arrival to the United States. These countries, known as the Schengen Area, include: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland.<sup>1</sup>

**NOW, THEREFORE, I, JIMMY L. MORALES**, as City Manager for the City of Miami Beach, Florida, pursuant to the authority vested in me under Section 26-31 of the City of Miami Beach Code of Laws and Ordinances (the “City Code”), have determined that there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or to property, all of which constitute an imminent threat to public peace or order, and to the general welfare of the City of Miami Beach, based upon the COVID-19 pandemic.

Accordingly, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in the City of Miami Beach remain safe and secure.

The CDC has recommended mitigation measures in communities with COVID-19 cases, which include staying at home when sick, keeping away from others who are sick, and staying at home when a household member is sick with respiratory disease symptoms, or if instructed to do so by public health officials or a health care provider.

Moving forward during this time, the City will continue to monitor what the World

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<sup>1</sup> However, such restriction does not apply certain groups of persons who are identified in the Proclamation.

Health Organization has determined to be a global pandemic, and the City will constantly evaluate planned mass gatherings as the situation continues to develop and evolve.

In order to ensure that COVID-19 remains controlled and to protect the public health, safety and welfare of the residents and visitors of the City of Miami Beach, this immediate action is **NECESSARY**.

**AS SUCH, I HEREBY declare a State of Emergency throughout the territorial jurisdiction of the City of Miami Beach, and will be ORDERING and PROMULGATING the following emergency measures, which will be reasonably and necessarily implemented in response to this State of Emergency:**

1. The establishment of curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated essential services such as fire, police and hospital services, including the transportation of patients thereto, utility emergency repairs, and emergency calls by physicians.
2. The prohibition of the sale or distribution of any alcoholic beverage, with or without the payment or a consideration therefore.
3. The prohibition of the possession on any person in a public place of any portable container containing any alcoholic beverage.
4. The closing of places of public assemblage with designated exceptions.
5. The prohibition of the sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid altogether or except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter, boat or airplane and necessary for the propulsion thereof.
6. The prohibition of the possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid.

**THE EMERGENCY MEASURES THAT WILL BE REASONABLY ORDERED AND PROMULGATED HEREIN WILL BE EFFECTIVE IMMEDIATELY, AND SHALL BE EFFECTIVE FOR A PERIOD OF 72 CONSECUTIVE HOURS OF THE DECLARED STATE OF EMERGENCY THROUGHOUT THE CITY OF MIAMI BEACH, UNLESS EXTENDED BY THE MIAMI BEACH CITY COMMISSION BY DULY ENACTED RESOLUTION IN REGULAR OR SPECIAL SESSION.**

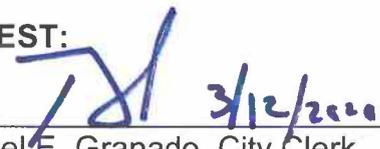
Any violation of these emergency measures shall subject the individual to arrest and criminal prosecution pursuant to Section 26-36 and Section 1-14 of the City Code.

CITY OF MIAMI BEACH, FLORIDA

  
Jimmy L. Morales, City Manager

Date: 3/12/2020

Time: 1:49 p.m.

ATTEST:  
  
Rafael E. Granado, City Clerk



STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I, **RAFAEL E. GRANADO**, City Clerk of the City of Miami Beach, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.

WITNESS my hand and seal of said City this 12 day of MARCH, 20 20.

  
Rafael E. Granado  
City Clerk of the City of Miami Beach, Florida



# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 20-52

(Emergency Management - COVID-19 Public Health Emergency)

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

**WHEREAS**, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

**WHEREAS**, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

**WHEREAS**, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention (“CDC”) has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

**WHEREAS**, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

**WHEREAS**, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

**WHEREAS**, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

**WHEREAS**, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

**WHEREAS**, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.

Section 2. I designate the Director of the Division of Emergency Management (“Director”) as the State Coordinating Officer for the duration of this emergency and direct him to execute the State’s Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.

C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);

3) Incurring obligations;

4) Employment of permanent and temporary workers;

5) Utilization of volunteer workers;

6) Rental of equipment;

7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,

8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State

building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and,
- 2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020.

  
RON DESANTIS, GOVERNOR

ATTEST:

  
SECRETARY OF STATE

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